

Application No. 10/798,459Client Reference No. N0184US**REMARKS****I. Status**

Claim 35 has been amended. No new matter has been added as a result. Claims 1-21 have been previously canceled. Accordingly, claims 22-51 are currently pending.

**II. Rejections Under 35 U.S.C. § 101**

Claims 35-46 were rejected as being directed to non-statutory subject matter. (Office Action, pages 3-4). Even though Applicants respectfully disagree with the rejections, independent claim 35 has been amended to recite computer-readable media to further prosecution. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections for independent claim 35 and the respective dependent claims 36-46.

**III. Rejections Under 35 U.S.C. § 103**

Claims 22-24, 28, 30-32, 34-35, 41-42, and 45-51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. (U.S. 6,401,033)<sup>1</sup> in view of Wang, et al. (U.S. 2003/0214530). Claims 25, 27, 33, 36, 38-40, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. in view of Wang, et al. and in further view of Koller, et al. ("Virtual GIS," IEEE: 1995). Claims 26 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. in view of Wang, et al., Koller, et al., and in further view of Freedman ("Map Quests," Wired: 2/2004). Claims 29 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. in view of Wang, et al. and in further view of Freedman.

Claims 22-51

Regarding claims 22-51, please find enclosed herewith a declaration under 37 C.F.R. § 1.131 providing evidence of the claimed invention prior to the § 102(a)

<sup>1</sup> U.S. Pat. No. 6,401,033 is assigned to the assignee of the present application. To the extent permissible by law, any remarks in this response about the '033 patent should not be construed as limiting or narrowing the scope of the claims thereof.

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date (November 20, 2003) and the § 102(e) date (January 21, 2003) of the Wang, et al. patent application publication, which was used in combination with other cited references in rejecting the claims.

Accordingly, the Wang, et al. patent application publication is not available as prior art. (See MPEP § 715.02, part I). Thus, Applicants respectfully request that the rejections of pending claims 22-51 be withdrawn.

#### IV. Summary

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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